

KATE McKENNA, AICP
Executive Officer

**MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY**
Adopted February 26, 2007

An audio recording of this meeting is available at the LAFCO office. Please contact us at (831) 754-5838 to arrange a time to listen or to order a copy.

**Regular Meeting
Monday, December 4, 2006, 4:00 p.m.
Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal, First Floor
Salinas, California**

The meeting of the Local Agency Formation Commission (LAFCO) of Monterey County was called to order by Vice-Chair Rubio at 4:06 p.m. in the Monterey County Board of Supervisors Chambers. Commissioner Calcagno led the Pledge of Allegiance.

ROLL CALL

Members Present

Commissioner Rubio, Vice-Chair, *(City Member)*
Commissioner Calcagno, *(County Member)*
Commissioner Darington, Alternate *(Public Member)*
Commissioner DiMaggio *(Public Member)*
Commissioner Gourley, Alternate *(City Member)*
Commissioner McGowan *(Special District Member)*
Commissioner Shirrel, Alternate *(Special District Member)*
Commissioner Smith *(County Member)*

Members Absent

Commissioner Armenta, Alternate *(County Member)*
Commissioner Caballero, *(City Member)*
Chair Tom Perkins, *(Special District Member)*

Staff Present

Kate McKenna, AICP, Executive Officer
Thomas A. McCue, AICP, Senior Analyst
Elliot Mulberg, Senior Analyst
Efren Iglesia, LAFCO Counsel
Rachelle Jones, LAFCO Clerk

Item 4: Minutes

4.a Approval of Minutes of the October 18, 2006 Special LAFCO Meeting.

Upon Motion of Commissioner Smith, seconded by Commissioner Calcagno, minutes of the October 18, 2006 Special LAFCO meeting were unanimously approved.

4.a Approval of Minutes of the October 23, 2006 Regular LAFCO Meeting.

Upon Motion of Commissioner Smith, seconded by Commissioner Calcagno, minutes of the October 23, 2006 Regular LAFCO meeting were unanimously approved.

Item 5: Public Comment:

Roy Kaminski, David Churchill, Frank Lunding, and Lawrence Samuels commented on various items pertaining to the Carmel Valley Incorporation Proposal (*LAFCO File No. 03-10*).

Item 6: Commissioner Comment:

None

Item 7 (a-b): Consent Agenda:

Executive Officer McKenna provided staff report.

Upon Motion of Commissioner Calcagno, seconded by Commissioner Gourley, consent agenda items: Accept Check Registers for October 2006, Receive List of Anticipated Future Agenda Items, and Accept Resolution of Appreciation for Anna Caballero were unanimously approved.

Item 8: Public Hearings

Upon Motion of Vice Chair Rubio, Agenda Item 8.c, was changed to Item 8.a the first item under public hearings.

Commissioner DiMaggio recused himself and left the chambers until after motion was made on this item.

8.a (formerly 8.c) Consider a Proposal Submitted by the City of Soledad for the Reorganization of Approximately 43.37 acres known as the Entry Commercial Expansion Area. The Proposed Action Includes Annexation of the Territory to the City of Soledad and Detachment from the Monterey County Resource Conservation District and the Mission Soledad Rural Fire Protection District. (*LAFCO File No. 06-09*).

Sr. Analyst Mulberg provided staff report.

Vice-Chair Rubio opened this item to the floor.

Public Comment

The following people spoke in support of the City of Soledad's proposal: Attorney William D. Ross, Noelia Chapa, City Manager City of Soledad, Hector De La Rosa, Assistant City Manager City of Soledad, and Richard Ortiz, Mayor City of Soledad.

Vice-Chair Rubio closed public comment for this item.

Commission Comment and Action

Commission discussed issues relating to this proposal including use of prime farmland, agricultural buffers, smart growth, and traffic mitigation.

Upon Motion of Commissioner Gourley, and seconded by Commissioner McGowan, Consider a Proposal Submitted by the City of Soledad for the Reorganization of Approximately 43.37 acres known as the Entry Commercial Expansion Area. The Proposed Action Includes Annexation of the Territory to the City of Soledad and Detachment from the Monterey County Resource Conservation District and the Mission Soledad Rural Fire Protection District. (*LAFCO File No. 06-09*), was unanimously approved.

8.b (formerly 8.a) Consider the Revised Draft Municipal Services Review Report for the Monterey Peninsula Area.

Matthew Sundt of Golden State Planning and Environmental Consulting provided staff report and PowerPoint presentation.

Vice-Chair Rubio opened this item to the floor.

Public Comment

Marc Lucca, General Manager Marina Coast Water District, asked that the most accurate and up-to-date information on the Marina Coast Water District be included in the Monterey Peninsula Municipal Services Review. Keith Israel, Monterey Regional Water Pollution Control Agency, commented on references to the Marina Coast Water District regarding recycled water including an agreement between the Marina Coast Water District and the Fort Ord Reuse Authority.

Vice-Chair Rubio closed public comment for this item.

Attorney Lloyd Lowrey, legal counsel for Marina Coast Water District, disagreed with comments made by Mr. Israel concerning agreement between the Marina Coast Water District and the Fort Ord Reuse Authority, and asked that LAFCO Counsel Iglesia review the agreement.

LAFCO Counsel Iglesia suggested that rather than judicate the meaning of the agreement, LAFCO recognize the existence of the agreement between the Marina Coast Water District and Fort Ord Reuse Authority, in the Motion.

Commission Action

Upon Motion of Commissioner Calcagno, and seconded by Commissioner Smith, the Municipal Services Review for the Monterey Peninsula, was unanimously adopted, with edits made by Matthew Sundt, a letter received by the Marina Coast Water District dated October 26, 2006, and Clarification made by LAFCO legal Counsel to add that LAFCO recognized the existence of an agreement between the Marina Coast Water District and the Fort Ord Reuse Authority.

8.c (formerly 8.b) Consider Amendments to the Spheres of Influence of the Monterey Regional Water Pollution Control Agency (Monterey Regional County Sanitation District) and County Service Area #9 – (Oak Park and Adjacent Annexations) to Include a 12.524 Acre Parcel Located on the Northeast Corner of the Intersection of San Juan Grade Road and Rogge Road, in the Unincorporated County of Monterey Jurisdiction (Assessors Parcel Numbers 211-012-002 and 211-012-040; *LAFCO File No. 06-04*). – The Commons at Rogge Road Reorganization.

Senior Analyst McCue provided staff report.

Vice-Chair Rubio opened this item to the floor.

Public Comment

Keith Israel, General Manager Monterey Regional Water Pollution Control Agency, expressed concerns with County representation for the area.

Vice-Chair Rubio closed public comment for this item.

Commission Action

Upon Motion of Commissioner Smith, and seconded by Commissioner Calcagno, Amendments to the Spheres of Influence of the Monterey Regional Water Pollution Control Agency (Monterey Regional County Sanitation District) and County Service Area #9 – (Oak Park and Adjacent Annexations) to Include a 12.524 Acre Parcel Located on the Northeast Corner of the Intersection of San Juan Grade Road and Rogge Road, in the Unincorporated County of Monterey Jurisdiction (Assessors Parcel Numbers 211-012-002 and 211-012-040; *LAFCO File No. 06-04*). – The Commons at Rogge Road Reorganization, were unanimously approved.

Item 9: New Business

9.a Consider a Request by the City of Greenfield for a Special Meeting to Consider the City's Sphere of Influence Amendment Proposal (*LAFCO File No. 06-10*).

Executive Officer McKenna provided report.

Vice-Chair Rubio opened this item to the floor.

Public Comment

John Huerta, Mayor City of Greenfield, Geary Coats, Scott Scheid, President of Scheid Vineyards, and Christina Trujillo of Johnson and Moncrief spoke in favor of the request for a special meeting.

Vice-Chair Rubio closed public comment for this item.

Commission Comment and Action

Commission discussed reasons for and against the request for a special hearing.

Upon Motion of Commissioner Calcagno, and seconded by Commissioner Rubio, Special Meeting to Consider the City of Greenfield Sphere of Influence Amendment Proposal (*LAFCO File No. 06-10*) was unanimously approved to be held at 4:00 p.m. on Monday, January 8, 2007.

9.b Authorize Comments on the Draft Environmental Impact Report (EIR) for the Cornuts Annexation Project, City of Greenfield.

Senior Analyst McCue provided report.

Vice-Chair Rubio opened this item to the floor.

Public Comment

April Wooden, Community Development Director City of Greenfield, thanked Commission for consideration of the special meeting (previous Agenda Item) and asked that the Commission not require more of this proposal than was required of the City of Soledad for a recent annexation within its existing sphere. Tad Stearn added comments concerning the project area being within the City of Greenfield's existing Sphere of Influence.

Vice-Chair Rubio closed public comment for this item.

Commission Action

Upon Motion of Commissioner Rubio, and seconded by Commissioner DiMaggio, Comments on the Draft Environmental Impact Report (EIR) for the Cornuts Annexation Project, City of Greenfield, were unanimously approved.

9.c Consider LAFCO Financial Report for First Quarter of Fiscal Year 2006-07.

Vice Chair Rubio explained that this item was reviewed by the Budget and Finance Committee and that they recommend continuing this item in order to allow time to correct formatting and other issues with the report.

Commission Action

Upon Motion of Commissioner Smith, and seconded by Commissioner DiMaggio, LAFCO Financial Report for First Quarter of Fiscal Year 2006-07, was continued to the next regularly scheduled LAFCO meeting.

10: Executive Officers Report

No additional items to report.

Item 11: Correspondence

Several items of correspondence relating to the Carmel Valley Incorporation Proposal (*LAFCO File No. 03-10*) were included in the meeting packet.

Item 12: Closed Session

Under Government Code Section 54950 et.seq.

- a. Pursuant to Government Code Section 54956.9 (b) – Potential Litigation
The Commission will Confer with Legal Counsel Regarding One Item of
Significant Exposure to Litigation:**

Carmel Valley Incorporation Proposal (*LAFCO File No. 03-10*)

Vice Chair Rubio called the meeting into closed session.

The meeting was reopened from Closed Session with no reportable action.

Item 13: Adjournment

On motion of Vice-Chair Rubio, there being no objection, the meeting was adjourned at 7:20 p.m. to a special LAFCO meeting to be held on Monday, January 8, 2007 at 4:00 p.m. in the Board of Supervisors Chambers, 168 W. Alisal St., First Floor, Salinas, California. (It was later decided to hold the meeting at the Monterey Room, 168 W. Alisal St., Second Floor, Salinas, California.)

Respectfully Submitted,

Rachelle Jones
LAFCO Clerk